

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSEPH HOLDER, et al.,

No. C 06-02923 SBA

Plaintiffs,

**ORDER DENYING DEFENDANT'S EX-PARTE REQUEST TO EXEMPT  
DEFENDANT FROM ELECTRONIC  
FILING REQUIREMENTS**

v.

BRUCE MCPHERSON, as California Secretary  
of State, et al.,

Defendants.

On July 3, 2006, Traci L. Witry, counsel for defendant Theresa Nagel—Clerk, Recorder, and County Election Official for Lassen County, filed an Ex-Parte Request to Exempt Defendant from Electronic Filing Requirements ("Request") which is now before the Court. In the Request, Ms. Witry advised the Court that she is unable to comply with the electronic filing requirements because she cannot access the electronic filing system, as her application to be admitted in the United States District Court for the Northern District of California is still being processed.

IT IS HEREBY ORDERED that Ms. Witry's Request is DENIED because Ms. Witry is not currently admitted to practice before this Court. When and if her application to be admitted in this Court is approved, she should be able to access the electronic filing system, as needed.

In the interim, defendant Theresa Nagel should consider whether or not to retain another attorney, who is admitted to practice before this Court, in order to avoid any prejudice that might result from her current counsel's inability to participate in proceedings before this Court.

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**United States District Court**  
For the Northern District of California

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2 IT IS SO ORDERED.

3 Dated: 7/5/06

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SAUNDRA BROWN ARMSTRONG  
United States District Judge

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